

**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-253-2022

Date of Decision: 01.04.2022

Vishal @ Mutiya

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ashish Pal Kaushal, Advocate, for the petitioner.

Mr. C.S. Bakshi, APP, U.T., Chandigarh.

Harnaresh Singh Gill, J.

The petitioner seeks grant of regular bail in case bearing FIR No. 267 dated 21.08.2018 under Section 302 read with Section 34 IPC, registered at Police Station East, Sector 26, Chandigarh.

Status report by way of affidavit of SHO, Police Station, Sector 26, filed by way of CRM-2923-2022, is taken on record. Said application stands disposed of accordingly.

Custody certificate dated 01.04.2022, filed in Court today, is taken on record.

Learned counsel for the petitioner submits that complainant-Parkash, while appearing as PW-7 before the trial Court, has turned hostile. It is further submitted that the petitioner has been behind bars since 23.08.2018 and that taking into consideration the long incarceration of the petitioner coupled with the declaration of the eye witness (complainant) as hostile, the petitioner may be enlarged on regular bail.

Learned AAP appearing for U.T., Chandigarh, does not dispute the factum of PW-7 Parkash, having turned hostile. However, it is submitted that the petitioner had given an iron pipe blow to the deceased and that taking into consideration the gravity of the offence, he is not entitled to the concession of regular bail.

I have heard learned counsel for the parties.

As per the custody certificate, the petitioner has been in custody for more than 03 years and 7 months. The eye-witness, PW-7 Parkash, while appearing before the trial Court on 17.02.2020, had turned hostile. As per the status report, out of 22 witnesses, only 7 have been examined thus far.

In view of the above, without expressing any opinion on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

01.04.2022
ds

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No